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Before the FEDERAL COMMUNICATIONS COMMISSION

DEC 1 7 2002

Washington, D.C. 20554

Federal Communications Commission Office of the Con-

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In ite)	EB Docket No. 01-39	
)		
FAMILY BROADCASTING, INC.)		
)		
Order to Show Cause Why the Licenses for)		
Stations WSTX(AM) and WSTX-FM.)		
Christiansted, U.S. Virgin Islands,)		
Should Nor Be Revoked)		

1o: Family Broadcasting, Inc. and

Alva Clarke

ENFORCEMENT BUREAU'S NOTICE OF DEPOSITION UPON ORAL EXAMINATION

- 1. The Enforcement Bureau, pursuant to section 1.31.5 of the Commission's rules, 47 C.F.R. § 1.315, hereby gives notice that it intends to take the deposition upon oral examination of Alva Clarke ("Mr. Clarke), 187 Concordia, Frederiksted, St. Croix, United States Virgin Islands 00851. Mr. Clarke is currently an employee of Family Broadcasting, Inc. ("Family") and has been since Family became licensee in 1990. As an employee, Mr. Clarke has performed various functions in the operation of radio stations WSTX and WSTX-FM, most recently as program director, a position he had held since 1998.
- 2. The Bureau will examine Mr. Clarke in the presence of a notary public or other person authorized to administer oaths in the United States Virgin Islands on Friday, January 3, 2003, beginning at 10:00 a.m. local time (9 a.m. Eastern Standard Time) at the law offices of Maxwell D.

On December 13,2002, counsel for Family confirmed that Mr. Clarke would be available on January 3, 2003. Counsel for the Bureau raised the 21-day notice provision in 47 C.F.R. § 1.315(a) with Family's counsel, Lauren Colby, Esquire, and was assured by him that 21-day notice requirement would be waived by Mr. Clarke and by Family. io. or Conles rec'd ONO Ust ABCDE

McIntosh. 7 & 8 Queen Street, Chiistiansted. SI. Croix, United States Virgin Islands 00822. Bureau counsel will conduct the examination over the telephone and will arrange a conference call to allow all parties and the court reporter to participate by telephone. The Bureau will examine Ms. Clarke on matters relevant to the designated issues in the above-captioned proceeding. See *Family Broadcasting, Inc.* (Memorandum Opinion and Order and Hearing Designation Order), FCC 02-91, released March 28, 2002.

Respectfully submitted,

Charles W. Kelley

Chief, Jnvestigations and Hearings Division

James W. Shook

Attorney

Kathryn S. Berthot

Attorney

Federal Communications Commission 445 12th Street, S.W., Room 3-B443 Washington, D.C 20554 (202) 418-1420

December 17. 2002

CERTIFICATE OF SERVICE

Karen Richardson, secretary of the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 17th day of December, 2002, sent by first class United States mail, facsimile or by hand copies of the foregoing "Enforcement Bureau's Notice of Deposition Upon Oral Examination" to:

Lauren A. Colby, Esquire (by fax) I 0 E. Fourth Street P.O. Box 113 Frederick, MD 21705-0113

Daniel A. Huber, Esquire (by fax) 560 N Street, S.W., Suite 501 Washington, D.C. 20024

Mr. Alva Clarke (by first class mail) P.O. Box 4225 Kingshill, St. Croix, United States Virgin Islands 00851

Maxwell D. McIntosh (by fax) 7 & 8 Queen Street Christiansted, St. Croix, United States Virgin Islands 00822

Administrative Law Judge Richard L. Sippel (by hand) Federal Communications Commission 445 12th Street, S.W., Room 1-C864 Washington, D.C. 20054

> Brown King & to Karen Richardson